

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:09-CR-10-1-F

UNITED STATES OF AMERICA,

v.

EARL EDWARD EASON,
Defendant.

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O R D E R

In response to this court's order of April 12, 2011 [DE-34], the defense counsel filed a Notice [DE-35] advising the court that the Government does not oppose his second Motion for Extension of Time to Report [DE-33], and that "the defendant will undergo surgery on May 9th or May 12th." He contends his client will need an additional eight weeks to recover prior to reporting to the Bureau of Prisons to serve his sentence. Counsel seeks an order extending that reporting date until July 11, 2011.

In support of his Notice, counsel attached an "Excuse Slip" from Carolina Surgical Care, stating that

Earl Eason is under my care. He/She . . . "will possibly undergo surgery on May 9th or 12th. Appt. on 4-27-11 for consultation.

Dr. David Carter/WL

Notice [DE-35], Attachment 1. The Notice explains that Dr. Greg Warren is the defendant's "attending physician," and Dr. David Carter is defendant's surgeon. Defense counsel has submitted a proposed order that would include the language, "**AND THE COURT FINDS** that . . . the defendant is to undergo surgery on May 9th or May 12th and thereafter the defendant will need 8 weeks to recover from the surgical procedure." Proposed Order [DE-35], Attachment 2 (emphasis in original).

The record does not support the factual finding that defense counsel proposes. Since imposing sentence in January 2011, the court has attempted to accommodate the defendant's efforts to address his medical conditions. It now is late April and no firm surgical plan or physician-estimated recovery date has been offered to the court.

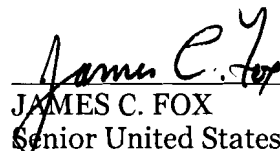
In light of the representation that defendant will consult with the surgeon on April 27, 2011, his motion to extend reporting date [DE-33] is CONTINUED IN ABEYANCE, until **May 9, 2011**, on which date the Clerk of Court is DIRECTED to re-submit this matter to the undersigned. In the interim, counsel for the defendant is invited to file a Notice containing his client's doctors' statement(s) of the date on which surgery is scheduled and the estimated date on which the defendant should physically be able to report to the Bureau of Prisons.

Defendant's obligation to report to the BOP is SUSPENDED until **May 10, 2011**, on which date the Clerk of Court is DIRECTED to re-submit this motion, along with any additional response thereto. The court intends to rule on the pending motion on that date.

This order supersedes the order [DE-34] of April 12, 2011.

SO ORDERED.

This, the 26th day of April, 2011.



JAMES C. FOX
Senior United States District Judge